

## MEMO

TO: Marlene H. Dortch, Secretary, Federal Communications Commission  
FR: Jon Schwartz, General Manager, Wyoming Public Radio State Network  
RE: Comments on Docket 04-233 Localism proposed rules  
DT: April 25, 2008

KUWR, Laramie; KUWA, Afton, KBUW, Buffalo; KUWC, Casper; KUWD, Sundance; KDUW, Douglas; KUWG, Gillette; KUWJ, Jackson; KUWN, Newcastle; KUWP, Powell; KUWX, Pinedale; KSUW, Sheridan; KUWZ, Rock Springs; KUWY, Laramie; KUWT, Thermopolis; KUWL, Laramie are non-commercial educational stations licensed to the University of Wyoming in Laramie. They are operated by the University's Wyoming Public Radio State Network. Wyoming is one of the nation's largest states in territory; but it has the nation's smallest population of barely 500,000 citizens. Via its statewide network, public radio reaches about 80% of the sparse and rural population of Wyoming. Over 50,000 citizens listen to WPR each week – many describe it as their "lifeline." Nearly 30 percent of the adult Wyoming population covered are listeners.

The proposals by the Commission grouped collectively under the heading of Localism undoubtedly are well meaning. But we want the Commission to know that if implemented, we believe the proposals would mean the end of Wyoming's only statewide radio service and the loss of public service broadcasting in most of the state. These services were constructed largely with taxpayer dollars and are annually sustained primarily by private donations.

Wyoming has very little in state media of any kind. More people use Wyoming Public Radio (WPR) than any other Wyoming media source. WPR sends reporters statewide most days of every week. We air Wyoming newscasts throughout the day and produce and broadcast an award-winning hour long weekly state radio magazine. Our election coverage each year is routinely called the best in the state, even compared to either of the only two tv stations in Wyoming. WPR news stories are posted on our extensive website, and most are available as podcasts via the same site. Our reporters garner the lion's share of Associated Press awards for radio each year.

WPR has converted 14 of its stations to HD digital broadcasting at great expense through grants from the Wyoming Legislature and the Corporation for Public Broadcasting. Using private donations it is in the process of adding HD2 multicasting now to each of those stations.

The Trustees of the University of Wyoming are the licensees of the network's stations and are a diverse statewide group appointed by the Governor as representative of our towns and population. In addition, we maintain a 20 person

statewide advisory council that meets twice a year to advise staff on programming, fundraising and other matters of importance.

Non-commercial stations are licensed and regulated quite differently than commercial stations. These procedures and regulations already create and promote strong local service. We believe the University of Wyoming has been and continues to fulfill its public service responsibilities to a very high standard, as required by the Commission governance of non-commercial educational stations. Our licenses were awarded with the requirement that we demonstrate an "educational purpose." We are confident that our award winning mix of Wyoming, national and international programming fulfills that educational mission every day of every year.

If the Commission believes a particular NCE in the U.S. has failed its obligations in some way, it already has existing remedies to address that case and need not impose a blanket of new regulatory measures upon the thousands of other NCE stations who are admirably performing their duties to the public.

However, other aspects of the proposed rulemaking threaten the very existence of public radio service throughout Wyoming. Perhaps the Commission has not considered the unintended consequences of prohibiting remote station transmitter operation, or of prohibiting unattended operations, or of potentially eliminating existing or future main studio waivers. Surely there may be other, possibly technological solutions to public safety concerns that have not been explored, short of these drastic measures.

Wyoming has no major metropolitan cities. The two largest towns in the state have populations slightly more than 50,000. Many of the other towns we serve are under 10,000. There is no way we would be able to construct or rent studios in thirteen new locations throughout the state. Nor is there anyway we could staff each one with even one person 24 hours a day, seven days a week. Even if we eliminated our entire statewide news staff and budget, the costs would exceed our ability to pay.

Our transmitters are mostly on remote mountain tops throughout the rugged terrain in Wyoming. In the winter, many of these sites are extremely difficult to reach for maintenance purposes. With tracked vehicles unavailable for several days in the vicinity of Thermopolis, WY recently, in order to restore local service quickly, we sent operations and engineering staff in on *horseback* to repair damage. That was the only way to traverse miles of three feet and higher snow and reach the summit of the mountain. A requirement to have a person at the transmitter site at all times of operation would be physically impossible in Wyoming winters. We would be forced to more than *double* our number of employees and facilities, or cease broadcasting in communities outside of our headquarters in Laramie.

Similarly, the loss of either main studio waivers or the prohibition of remote transmitter operations would mean we would cease public service broadcasting throughout the entire state of Wyoming, outside of Laramie.

Public radio stations are committed to serving the public interest. In Wyoming, that has added weight, as so few of our towns have a choice beyond one or sometimes two radio stations. The huge and sparsely populated, wide open spaces between towns contribute to significant isolation. Our listeners routinely refer to our network as "helping to knit the state together."

There are several other onerous proposals that would involve reassigning of staff that currently produce local/statewide news, public affairs and music. One of these in particular would seriously impair or eliminate our broadcast of NPR's "Morning Edition," and other news programming. WPR broadcasts "Morning Edition at 5. a.m. In order to review the two hour show prior to air time EVERY DAY would mean reassigning a news reporter from covering issues and people in Wyoming towns and instead coming to the station at 3 a.m. to listen to and review the first edition of the program over the satellite.

Of course, stations on the east coast could not comply with such a rule, since the program is live at the time they broadcast "Morning Edition." We would ask the Commission not to apply such a proposal to live programming. All live network newscasts across the country would have to be delayed from their air time at the top of the hour to a later time, to allow for review. The unintended consequence of this requirement would mean eliminating newscasts, live or otherwise within public radio's most listened to news programs, "Morning Edition" and "All Things Considered." Reviewing the live newscast would mean delaying it for later airing within the show. Leaving aside rights issues as to whether a delay of a live newscast is permitted, there are no network "windows" the length of the newscasts in which to pre-empt other parts of the two news shows and place those delayed newscasts. So no "drive time" newscasts would be available to the public. This hardly would serve the public interest.

We are surprised that in 2008, the Commission has not asked its license holders to consider technology solutions to address its legitimate concerns about emergency broadcasting. Rather than shutting down our state radio network due to regulations that would suppress radio service to the public, would it not be appropriate to consider technological solutions to emergency broadcast needs? Requiring a massive and unsupportable increase of staffing should not be the sole means considered for a solution, especially in this time of national recession, economic slowdown, and the other serious challenges we face in Wyoming and nationally.